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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Paul J. Farrell, Esq.  
DILWORTH & BARRESE, LLP  
333 Earle Ovington Blvd.  
Uniondale, NY 11553

EXAMINER

FISCHETTI, JOSEPH A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/854,613

Applicant(s)

CAPEK ET AL.

Examiner

Joseph A. Fischetti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 and 25 is/are pending in the application.
- 4a) Of the above claim(s) 12-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11, 20-22 and 25 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

***Election/Restrictions***

Claims 12-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4.

***Claim Rejections - 35 USC § 102***

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,9,10,20,21,22 are rejected under 35 U.S.C. 102(a/b) as being anticipated by Southwest Airlines web page.

Southwest airlines web page discloses a method for providing a service for travelers to acquire items at the traveler's destination comprising the steps of:

receiving a request from a traveler for obtaining at least one item at a location indicative of a destination location of the traveler (A), the request including travel data comprising the traveler's time of arrival and destination (B), and item data comprising

data indicative of items being requested (C);

arranging for the at least one item to be supplied (D);

arranging for the at least one supplied item to be delivered to the location indicated by the traveler's destination at a time indicated by the traveler's arrival time (D);

and

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conducting a transaction with the traveler for the traveler to obtain the at least one item (D).

Re claim 2: for each of the at least one requested items the steps of:

accessing a collection of at least one supplier of the requested items (E,F), each supplier of the collection of at least one supplier having a location and having a collection of at least one item available for being obtained by the traveler;

selecting a supplier from the collection of the at least one supplier in accordance with availability of the item and the location of the supplier relative to the destination of the traveler (inherent in any supplier by definition is inventory location is done as a result of destination selection); and arranging for the selected supplier to supply the item.

Re claim 9: inherent in any internet based program data are images and descriptions.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,3, 5-11, 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al.

Re claims 1-3, 5-11,20-25, DeLorme et al. disclose a method for providing a service for travelers to acquire items at the traveler's destination comprising the steps of:

receiving a request from a traveler for obtaining at least one item at a location indicative of a destination location of the traveler (205), the request including travel data comprising the traveler's time of arrival and destination (111 Fig 1a), and item data comprising data indicative of items being requested (111, Fig.1A);

arranging for the at least one item to be supplied (231);

arranging for the at least one supplied item to be delivered to the location indicated by the traveler's destination at a time indicated by the traveler's arrival time (231); and conducting a transaction with the traveler for the traveler to obtain the at least one item (209).

Re claim 3, whether one orders from a supplier and leaves to the supplier who the shipper is not deemed to be a point of patentability because it takes what is known in the art as one step order say, from Sky Mall, for example, and breaks it into two steps.

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Re claim 5: registering each unregistered traveler making a request by accepting and storing personal data and preference data about the traveler see DeLorme et al. (col.37, lines 3-66;col.35 lines9-60);

storing the request as history data (col. 36 line 14;

accessing the personal data, preference data and history data including previously stored requests of the traveler (col.39, lines 19-67); and

providing suggestion data to the traveler based on the accessed personal data, preference data and history data of the traveler, the suggestion data providing suggestions for requesting items (col. 40, lines30-56).

Re claim 6: accessing a data collection storing data about at least one geographic location see DeLorme et al. (Col. 32 lines 46-67);

retrieving data about the destination location of the traveler from the data collection about geographic locations Col. 32lines 46-67,col.33, lines 1-14); and

providing suggestion data to the traveler based on the retrieved data about the destination location of the traveler, the suggestion data providing suggestions for requesting items Col. 42 (conversation-like searching is suggestion data.)

Re claims 7 and 8: since the system disclosed by DeLorme et al. does allow for customized travel plans with a mix of arrangements, it would be obvious to include as a the input data to DeLorme et al data which is attendant to an individual's personal needs such as for example that which would be necessary for one who is visually impaired. Also, official notice is taken with respect to the old and notorious practice of air line reservationist taking data on a physical impairment and providing different meals or wheel chair service based upon the expressed impairment

Re claim 11: official notice is taken with respect to virtual matching programs such as found in interior decorating programs.

***Allowable Subject Matter***

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***FINAL***

Applicant's arguments filed 4/24/02 have been fully considered but they are not persuasive. Applicant argues, inter alia, that SouthWest does not disclose arranging obtaining a destination associated with the delivery location, selecting an item to be delivered, and arranging the at least one item to be delivered at a delivery location. However, a review of the SouthWest web site shows the contrary. It shows a distinction at A; it allows a traveler to select a vehicle which is provided at the airport i.e. at the delivery/destination location. DeLorme does allow for the same by providing a point of interest database. DeLorme et al. also disclose providing provider specific capabilities as part of the reservations process which obviously would include delivery, such as the example of the scuba equipment in DeLorme et al.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.

*Joseph A. Fischetti*  
Primary Examiner  
AU 3627